

Application No. 09/884,614

Docket No. 1232-4725**REMARKS**

Claims 1-40 were previously pending in the application. New claim 41 is added herein. Claims 1, 3, 6-8, 11-13, 18-20, 23, 32-34 and 40 have been amended herein. Applicants submit that no new matter has been added. Claims 2, 9, 10, 24, 30 and 31 have been canceled without prejudice or disclaimer. Applicants respectfully request entry of the foregoing amendment and reconsideration of the above-identified application, in view of the above amendments and following remarks.

Applicants thank the Examiner for the indication that claims 7-8, 13, 29 and 34 are deemed to contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Objections**

The title of the invention and a paragraph in the specification have been objected to due to informalities. Accordingly, Applicants have amended the title of the invention and amended the paragraph to address the informalities. Accordingly, Applicants submit that the objections have been overcome.

**Claim Rejection – 35 U.S.C. § 102/103**

Claims 1-9, 11, 14-17, 23-28, 30, 32, 40 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hamamoto (US Patent 5,721,423). Claims 10, 12, 31, 33 have been rejected under 35 U.S.C. § 103(a), as being unpatentable over Hamamoto, in view of Suemoto, et al. (US Patent 6,194, 712). Claims 18-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamamoto, in view of Bannai (US Patent No. 6,587,226).

Application No. 09/884,614

Docket No. 1232-4725

Claims 20 and 37 have been rejected under 35 U.S.C. § 103(a), as being unpatentable over Hamamoto, in view of Okamoto (US Patent No. 4,958,298). Claims 21-22 and 38-39 have been rejected under 35 U.S.C. § 103(a), as being unpatentable over Hamamoto, in view of Ito (US Patent No. 6,674,553). Applicants respectfully submit that the pending claims are patentably distinct from the cited references.

Amended independent claim 1 recites, *inter alia*,:

a controller adapted to suspend reading operation of said image reading unit when said monitoring unit detects that the external device cannot receive data during execution of reading operation of said image reading unit and control said driver to displace the relative position between the image and said image reading unit to a predetermined position before the suspended position of the image reading operation, and then restart the reading operation of the same image from the predetermined position when said monitoring unit detects that the external device can receive data.

Applicants respectfully submit that the cited references do not teach, disclose or suggest the elements of the claimed invention.

Regarding independent claim 1, the Examiner asserts that the Hamamoto patent discloses "a controller for, when image reading operation of said image reading unit suspends, displacing the relative position between the image and said image reading unit...." (See Office Action page, 3). Further, regarding dependent claim 2, the Examiner asserts, that Hamamoto discloses "said controller suspends operation when said monitoring means...detects that the external device cannot receive data during execution of the reading operation" relying on " Col. 4, lines 54-67; Col. 5, lines 7-14" in the Hamamoto patent. (See Office Action page, 3-4).

However, Applicants submit that the cited passages in the Hamamoto patent, are related to an image reading device in communication with host PC 8. However, the passage discloses that the "The image data storage control unit 24 and scanner unit 2 are synchronized by

Application No. 09/884,614

Docket No. 1232-4725

a CRST (Column Read Start Timing) signal 31, which is generated by the MPU 21 (within the Image Reading Device). Hamamoto discloses, "Each time the carrier unit is moved by 1/360 inc, the MPU 21 generates a CRST signal as a one-shot signal. The scanner unit 2 uses the one-shot signal as a trigger and transfers the image data of one column to the image data storage control unit 24." (See, Col. 4, lines 54-60). Hamamoto also discloses in the passage that the data is then converted and then stored in RAM (See, Col. 4, lines 61-67). Applicants submit that the Hamamoto does not disclose, teach or suggest "suspending" the image reading operation, as recited in amended independent claim 1 (incorporating the subject matter of canceled claim 2), when read in light of the specification.

Furthermore, Hamamoto discloses a scanner unit 2 capable of reading an original by scanning an original while moving photo-reception elements arranged in the paper feeding direction in the right-to-left and left-to-right directions and feeding the original for a predetermined amount after each scanning in the right-to-left and left-to-right directions. Hamamoto explains that, when a current image reading area has been scanned, positions of the photo-reception elements are moved to the left end positions so as to prepare for scanning another image located next to the current image reading area.

However, Hamamoto does not teach monitoring whether the external device can receive data, and suspending and restarting the image reading operation while reading a single original in accordance with whether an external device can receive data or not. As Hamamoto does not teach suspending the image reading operation, it also does not disclose that the image reading operation is restarted from the predetermined position before the suspended position of the image reading operation.

Application No. 09/884,614

Docket No. 1232-4725

Moreover, Suemoto (US Patent 6,194, 712) discloses detecting available capacity of a memory mounted on a scanner. However, Suemoto does not disclose, teach or suggest suspending image reading operation when the capacity becomes less than a predetermined amount and displacing the relative position between the original image and the image reading unit to a predetermined position before the suspended position of the image reading operation. Further, Suemoto does not disclose, teach or suggest restarting the image reading operation of the same original image from the predetermined position.

Accordingly, Applicants submit that amended independent claims 1, 12, 23, 33, 40 and 41 are neither anticipated by Hamamoto, nor rendered obvious when taken alone or in combination with Suemoto, for at least these reasons. Further Applicants submit that Bannai, Okamoto, and Ito do not remedy the deficiencies identified in Hamamoto or Suemoto and discussed above. Therefore, Applicants submit that claims 3-8, 11, 13-22, 25-29, 32, and 34-40 are directly or indirectly dependent on independent claims 1, 12, 23, 33, respectively are also patentably distinct from the cited references for at least a similar reason. Accordingly, Applicants requests withdrawal of these grounds of rejections.

Application No. 09/884,614

Docket No. 1232-4725

**CONCLUSION**

It is now believed that all pending claims are in condition for allowance. In view of these remarks, an early and favorable reconsideration is respectfully requested.

**AUTHORIZATION**

Applicants believe that no additional fees are necessary for the submission of this Amendment and Response, however, should any fees be due, the Commissioner is hereby authorized to charge any such fees which may be required for this Amendment and Response, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4725 A  
DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

Dated: December 22, 2004

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

By: Daniel C. Sheridan  
Daniel C. Sheridan  
Registration No. 53,585

Correspondence Address:  
MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281  
(212) 415-8700 (telephone)  
(212) 415-8701 (facsimile)